

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:09CR378
)
 Plaintiff,)
)
 vs.) BRIEF IN SUPPORT OF
) OBJECTIONS TO
) REVISED PSR
JOSE TOMAS LOPEZ-RENDON,)
)
 Defendant.)

In Paragraphs 56, 57 and 58 of the revised PSR, the probation office has concluded that the Defendant has prior convictions that would warrant the assessment of points against his criminal history. Defendant and his counsel have not been provided any documentation of these convictions or the sentences imposed as a result of these convictions. Until such documentation is provided to defense counsel for examination, the Defendant must stand on his initial objections to the calculations of his criminal history and require proof by the government that these convictions, as set forth in the revised PSR, are accurate.

An additional two points is assessed against the Defendant's criminal history in Paragraph 60, applying U.S.S.G. §4A1.1(d). Information available to defense counsel indicates that the Defendant was deported to another country almost immediately after an order of probation was apparently entered thereby precluding the Defendant from complying with the probation terms, constituting a *de facto* determination of the probation that was apparently ordered.

JOSE TOMAS LOPEZ-RENDON
Defendant

s/James J. Regan
James J. Regan #15743
710 Exchange Building
1905 Harney Street
Omaha, NE 68102
(402) 341-2020
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to John E. Higgins, Assistant United States Attorney.

s/James J. Regan
James J. Regan #15743
710 Exchange Building
1905 Harney Street
Omaha, NE 68102
(402) 341-2020
Attorney for Defendant